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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,592	12/03/2003	Hiroyuki Horita	TESD.0026	3433

7590
REED SMITH LLP
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08/03/2007

EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/725,592	HORITA ET AL.	
	Examiner	Art Unit	
	Daquan Zhao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/7/2004;3/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashima (US 6,011,594).

Regarding claim 1, Takashima teach a program receiver comprising: a plurality of tuners each receiving a program (e.g. figure 6, first tuner 11 and second tuner 17); first output means for outputting the program received by the first tuner (e.g. video processing circuit 12 outputting video signal s2); second output means for outputting a program received by a tuner other than the first tuner (e.g. video processing circuit 18 outputting video signal s5); and switching means for changing an output of the first output means to an output of the second output means in response to a start signal input from an outside (e.g. column 6, line 56- column 7, line 30, switch 511 selects the output of the first tuner 11, then switches to select the output of tuner 17 based on the control signal from the microcomputer 22), and for changing the output of the second

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output means to the output of the first output means in response to an end signal input from the outside after passage of a predetermined time (e.g. as the output of the first tuner 11 becomes stable after a preset period of time, switch 511 switches back to tuner 11 from tuner 17 under the control of the microcomputer 22), wherein the second output means outputs the program received by the first tuner or sequentially outputs different programs received by the tuner other than the first tuner (e.g. the first tuner 11 and the second tuner 17 receives television signal from different channels).

Claim 2 is rejected for the same reasons as discussed in claim 1 above, wherein Figure 3A-B and column 4, lines 31-38 teach a parent channel received by the first tuner 11, which is considered to be the main channel, and the child channel received by the tuner 17 is considered to be the channel other than the mail channel. The claim does not exclude the use of a second tuner.

Regarding claims 3 and 7, Takashima teaches continuation means for continuously outputting the program while the second output means is outputting the program (e.g. column 3, lines 27-31 and column 4, lines 14-27, the program is sequentially outputted from the first tuner 11, while the video received in the second tuner 17 is also outputted in a double-screen display mode).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima (US 6,011,594) as applied to claims 1, 2, 3 above, and further in view of Klosterman et al (US 2001/0,013,124 A1).

See the teaching of Takashima above.

Regarding claims 4 and 8, Takashima fails to teach sequentially outputs the programs on a plurality of channels within a predetermined time, and sequentially outputs the programs on the channels starting at the last channel when the output of the first output means is changed to the output of the second output means next time. Klosterman et al teach sequentially outputs the programs on a plurality of channels within a predetermined time, and sequentially outputs the programs on the channels starting at the last channel when the output of the first output means is changed to the output of the second output means next time (e.g. paragraph [0031] and [0073], tune to one or more of the multiple FOX channels in a serial manner during the commercial break). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Klosterman et al into the teaching of Takashiman to alter what a television viewer watches without the viewer changing channels (Klosterman et al, paragraph [0030]).

Regarding claims 5, 9, 10, 11, 12 and 13, Klosterman et al teach the start signal and the end signal are generated in response to a start and an end of a commercial broadcast halfway along the program, respectively (e.g. paragraph [0042] and [0031], when the head end determines that the advertisement is finished on

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channel A, the head end inserts a channel change command to instruct the TV to return to channel A. "halfway along the program" is considered to be the commercial between the 2nd and 3rd quarter of the SuperBowl, which is half way along the program).

Regarding claims 6, 14, 15, 16, 17, and 18, Klosterman et al teach start signal is generated by a viewer's input operation, and the end signal is generated after the passage of a predetermined time (e.g. paragraph [0042], in the "manual intervention", the user can tune to channel C, then tune back to channel A or B after a predetermine time period).

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pauley (US 5,900,916).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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for

Tran Thai Q
Supervisory Patent Examiner